

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**AMY FRENCH, a person with a disability,  
by her parent, GARY FRENCH,**

**Plaintiff,**

**v.**

**5:04-CV-434  
(FJS/GJD)**

**NEW YORK STATE DEPARTMENT OF  
EDUCATION; FAYETTEVILLE-MANLIUS  
BOARD OF EDUCATION; Superintendent  
of Schools, DR. PHILIP MARTIN; and  
Assistant Superintendent LISA MORI-DINEEN,**

**Defendants.**

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**ORDER**

By Mandate issued July 27, 2009, the Second Circuit vacated this Court's September 24, 2008 Order and remanded the matter to this Court for "consideration of Gary French's request for appointment of counsel to represent his daughter . . . ." *See* Dkt. No. 63.

Since, at this point in the litigation, it was not clear to the Court whether a substantial claim might be asserted on Ms. French's behalf and in the interest of justice and because to do otherwise would mean that this case could not go forward, the Court appointed the law firm of Ferrara, Fiorenza, Larrison, Barrett & Reitz, P.C., 5010 Campuswood Drive, East Syracuse, New York 13057 as *pro bono* counsel to represent Plaintiff in this action. *See* Dkt. No. 64.

By letter dated August 19, 2009, Attorney Benjamin J. Ferrara notified the Court that "Susan Johns, a member of [the law firm of Ferrara, Fiorenza, Larrison, Barrett & Reitz, P.C.] . . . had represented the Fayetteville-Manlius Central School District in connection with the underlying student placement issues which resulted in the above named action." *See* Dkt. No. 65.

Therefore, he requested that the Court relieve the law firm of Ferrara, Fiorenza, Larrison, Barrett & Reitz, P.C. as *pro bono* counsel in this matter. *See id.*

Accordingly, the Court hereby

**ORDERS** that the law firm of Ferrara, Fiorenza, Larrison, Barrett & Reitz, P.C., 5010 Campuswood Drive, East Syracuse, New York 13057 is **relieved** from the appointment as *pro bono* counsel to represent Plaintiff in this action; and the Court further

**ORDERS** that the **Law Office of Ronald L. VanNorstrand**, Century Plaza, Suite 530, 201 East Jefferson Street, Syracuse, New York 13202 is appointed *pro bono* counsel to represent Plaintiff in this action, the docket for which is available electronically for review. Counsel may seek reimbursement for any charges it incurs for copies of filed documents; and the Court further

**ORDERS** that, pursuant to Local Rule 83.3(g), "[r]eimbursement or advances shall be permitted to the extent possible in light of available resources and, absent extraordinary circumstances, shall not exceed **\$2,000.00**." L.R. 83.3(g). The Court finds that this case presents an extraordinary circumstance in which litigation costs could well exceed \$2,000.00. Therefore, the Court instructs counsel that, without prior approval, he may seek up to \$7,500.00 as reimbursement for expenses and/or disbursements incurred by completing the *Pro Bono* Fund Voucher, which is attached to this Order, and submitting that Voucher, together with supporting documentation, to the Court; and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order and a copy of the *Pro Bono* Fund Voucher on the above-named law firm by regular mail and shall serve a copy of this Order on the parties in accordance with the Local Rules; and the Court further

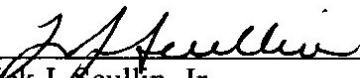
**ORDERS** that counsel must file a notice of appearance in this action within **thirty (30)**

**days** of the date of this Order; and the Court further

**ORDERS** that this matter is referred to Magistrate Judge DiBianco for all further pretrial matters.

**IT IS SO ORDERED.**

Dated: August 31, 2009  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge